

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS SANTOS CORDOVA, et al.

Plaintiffs

v.

MUNICIPALITY OF SAN JUAN, et al.

Defendants

Civil No.: 16-1348 (PG)

FLSA

MOTION FOR JUDGMENT

TO THE HONORABLE COURT:

COMES NOW defendant and counterclaimant Municipality of San Juan (“MSJ”), through the undersigned counsel, and respectfully states and prays:

A. On June 22, 2016, Plaintiffs filed the *Amended Complaint* (at #44, henceforth, “*Complaint*”). The *Complaint* included one claim under the Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*), and two claims under Puerto Rico law.

B. Generally, the *Complaint* averred that Plaintiffs were canine handlers of the San Juan Municipal Police, and that the MSJ owed them overtime payments for work performed for the MSJ. The following were the 11 coplaintiffs:

1. Ramón Agosto Sánchez;
2. Cynthia Álvarez;
3. Anthony Ayala Nieves;
4. Luis Burgos Curcio;
5. Neftalí García Santiago;
6. Horacio Marcano;
7. Wilfredo Narváez Cordero;
8. Jaime Rivera García;
9. Antonio Rosa Suárez;
10. Luis Santos Córdova; and,
11. Juan Valentín (#44, pp. 2-4 ¶¶ 1-11).

C. The two defendants in this case were the MSJ and Municipal Police Commissioner Guillermo Calixto-Rodríguez. The July 27, 2017 *Partial Judgment* dismissed, with prejudice, “all claims against co-defendant Guillermo Calixto-Rodríguez” (at Docket No. 66). Hence, the only remaining codefendant in this litigation is the MSJ.

D. On July 6, 2016, the MSJ filed its *Answer to [Amended] Complaint and Counterclaim* (at #46). The *Counterclaim* included a claim, under Puerto Rico law, for reimbursement of amounts overpaid to six of the 11 coplaintiffs.

E. On two separate filings, four coplaintiffs requested voluntary dismissal with prejudice. The first was on October 20, 2016 (at #96), and concerned Cynthia Álvarez, Horacio Marciano, and Juan Valentín. To that end, on November 4, 2016, this Honorable Court ordered the corresponding dismissal with prejudice as to those three coplaintiffs (at #100).

F. The second request for voluntary dismissal with prejudice concerned Anthony Ayala Nieves, filed on February 28, 2018 (at #189). As the MSJ has no objection, it asks this Honorable Court to grant the dismissal with prejudice of the claims of Anthony Ayala Nieves.

G. As to the remaining seven coplaintiffs,* on December 21, 2017 this Honorable Court issued an *Amended Opinion and Order Nunc Pro Tunc* (at #178). The rulings were:

1. Dismissal, with prejudice, of the seven coplaintiffs’ federal claims under the Fair Labor Standard Act; and,
2. Dismissal, without prejudice, of the seven coplaintiffs’ supplemental claims under Puerto Rico law (#178, pp. 23-24).

H. The aforementioned *Opinion and Order* also dismissed, without prejudice, the MSJ’s *Counterclaim* (#178, p. 24).

* That is: Luis Santos Córdova, Ramón Agosto Sánchez, Luis Burgos Curcio, Neftalí García Santiago, Jaime Rivera García, Wilfredo Narváez Cordero, and Antonio Rosa Suárez.

I. As there are no other pending matters in this litigation, the MSJ requests this Honorable Court to order the dismissal with prejudice of the claims of Anthony Ayala Nieves, and issue the corresponding final judgment in the case.

WHEREFORE, defendant and counterclaimant Municipality of San Juan respectfully requests that this Honorable Court order the dismissal with prejudice of the claims of Anthony Ayala Nieves, and issue the corresponding final judgment according to such order and Docket Nos. 100, 178, and 189.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY THAT, on this date, we filed a digital version of this document through the CM/ECF system, which will automatically notify a faithful and exact copy of it to all attorneys of record in this case.

In San Juan, Puerto Rico, this 14th day of March, 2018.

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